

LAW OFFICES

**MANOLIO & FIRESTONE, PLC**

8686 E. San Alberto Dr., Suite 200

Scottsdale, Arizona 85258

(480) 222-9100

[vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)

Veronica L. Manolio, SBN 020230

*Attorneys for Tucker Defendants, Counterclaimants,*

*and Third-Party Claimants*

**IN THE UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF ARIZONA**

Labor Smart, Inc.

Plaintiff,

v.

Jason and Melissa Tucker,

Defendants.

And related Counterclaims  
and Third-Party Claims.

Case No. 2:22-cv-00357-PHX-JJT

**SWORN AFFIDAVIT IN  
SUPPORT OF APPLICATION  
FOR DEFAULT**

(Before the Honorable J. Tuchi)

Veronica L. Manolio, subject to the penalty of perjury, affirms and states:

1. I am the attorney for Third-Party Claimants Jason and Melissa Tucker and make this Affidavit to prove the fact and manner of compliance with the provisions of Federal Rule of Civil Procedure 55(a).

2. Third-Party Defendant NextGen Beverages, LLC, was served via private process server upon its registered statutory agent on July 30, 2024, at the known address of the agent, who provided a copy of the Summons and Answer, Counterclaims and Third-Party Claims (the Third-Party Complaint). A Certificate of Service is on file. (Doc. 163)

3. Third-Party Defendant NextGen Beverages, LLC, against whom a judgment for affirmative relief is sought, has failed to plead or otherwise defend.

1           4.       The time within which the party may have filed an answer or otherwise  
2 defended itself (21 days) has passed.

3           5.       An Application for Default is filed this same date, and this Affidavit is  
4 meant to provide evidentiary support that entry of default is now appropriate.

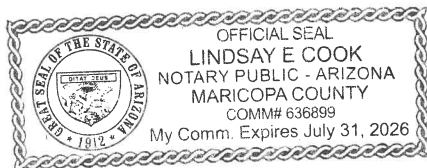
5           Further affiant sayeth naught.

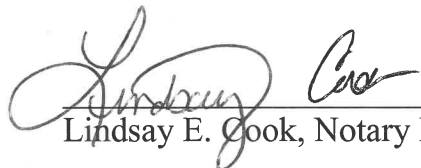
6  
7 

Veronica L. Manolio

8           Date: 8/22/24

9  
10  
11           The foregoing was signed before me on this 22<sup>nd</sup> day of August, 2024 by affiant  
12 Veronica L. Manolio.



16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26   
Lindsay E. Cook, Notary Public